

**REMARKS**

In the office action, claims 1-15 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,519,240 (Dillinger et al.) in view of U. S. Patent No. 5,933,421 (Alamouti). Applicants respectfully traverse this rejection based on the following.

Dillinger discloses assigning a physical channel to a hybrid wireless time division multiple access/code division multiple access communication system. In the assignment algorithm as proposed by Dillinger et al., a physical channel is attempted to be assigned to a timeslot. If the signal interference ratio (SIR) of that timeslot is not sufficient to support that physical channel, that channel is assigned to the next timeslot number within the radio frame. This process is continued until either the physical channel is assigned to a timeslot or all of the timeslots fail the SIR test. The present invention deals with the assigning of physical channels. The physical channels of the new user service are ordered based on their desired reception quality. These physical channels are then assigned to the timeslots based on that order. Neither Dillinger or Alamouti disclose such an approach. Dillinger et al. uses timeslot measurements and only assigns the timeslots, if the physical channel will meet that signal interference ratio. Alamouti uses measure received signal strength indicator to allocate channels. Neither reference deals with the issue of the present invention in assigning physical channels and accordingly are

not combinable as the present invention. Furthermore, neither uses the desired reception quality for this assignment. This is highly desirable as a new user service may have multiple streams of data requiring different quality of services and have different desired reception qualities. By assigning the physical channels based on their desired reception quality, a better physical channel can be achieved.

The dependent claims further emphasize these distinctions. To illustrate, dependent claim 2 orders the physicals channels by decreasing desired reception quality. Accordingly, physical channels requiring the highest desired reception quality are assigned resources first which is not disclosed in either Dillinger or Alamouti. With respect to dependent claim 3, a required signal to interference ratio is used as the desired reception quality for ordering the physical channels. With respect to dependent claim 4, Dillinger et al. discloses assigning the physical channel to timeslots in accordance with the time order of the timeslots. Dependent claim 4 arranges the timeslot sequence in order of decreasing order of quality so that the timeslots with the best highest quality are assigned physical channels prior to lower quality, instead of by their time order

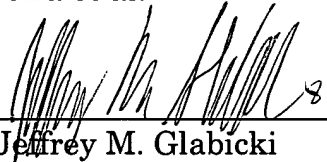
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**Application No.:** 09/854,728

Reconsideration and entry of this amendment is respectfully requested.

Respectfully submitted,

Zeira et al.

By



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